

ALVIN B. TRUESDALE,  
  
Petitioner,  
  
v.  
  
UNITED STATES OF AMERICA,  
  
Respondent.

CV-00634-RLV (W.D.N.C. May 29, 2012), dismissed, 506 F. App'x 238 (4th Cir. Jan. 24, 2013) (per curiam).

The Court finds that the present motion for reconsideration is in fact a successive § 2255 motion and Petitioner has not demonstrated that he has obtained authorization from the Fourth Circuit to proceed with a successive § 2255 motion. Accordingly, Petitioner's motion for reconsideration will be denied. 28 U.S.C. § 2255(h). See, e.g., In re Vial, 115 F.3d 1192, 1194 (4th Cir. 1997) (en banc); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003).

**IT IS, THEREFORE, ORDERED** that Petitioner's motion for reconsideration is **DENIED**. (Doc. No. 5).

**IT IS FURTHER ORDERED** that Petitioner's motion for an evidentiary hearing is **DENIED**. (Doc. No. 6).

**IT IS FURTHER ORDERED** that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (stating that in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 474, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable and that the petition states a debatably valid claim of the denial of a constitutional right).

**IT IS SO ORDERED.**

Signed: March 27, 2015

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Richard L. Voorhees  
United States District Judge

